

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN HUMMEL III,	:	CIVIL ACTION
	:	NO. 22-2332
Plaintiff,	:	
v.	:	
JH CORNELIA, LLC, et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this **25th** day of **April, 2023**, after considering Defendant Phillips' Motion to Dismiss and Strike (ECF No. 42) and Defendants Stephens and Cornelia's Motion to Dismiss (ECF No. 39), any responses thereto, and after a hearing on the record, it is hereby **ORDERED** that both of Defendants' Motions (ECF Nos. 39 & 42) are **GRANTED** in part and **DENIED** in part. It is further **ORDERED** as follows:

1. Count IV against Defendant Phillips is **DISMISSED with prejudice**.
2. The "could not" language is **STRICKEN** from Paragraph 37 of the Second Amended Complaint.
3. Counts III-IV against Defendants Stephens and Cornelia are **DISMISSED with prejudice**.
4. Count V against Defendants Stephens and Cornelia is **DISMISSED without prejudice**. Plaintiff may seek leave to amend at the conclusion of PHRA proceedings.

5. Plaintiff is granted leave to amend the word "consensual" in Paragraph 25 of the Second Amended Complaint to "non-consensual."

**AND IT IS SO ORDERED.**

*Eduardo C. Robreno*  
EDUARDO C. ROBRENO, J.